

Application No.: 09/788,646
Attorney Docket No. 52493.000127

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :)
Stacy R. Steuart)
Application No.: 09/788,646)
Filed: February 21, 2001)
Examiner: Joseph A. Fischetti

Confirmation No.: 7075

Group Art Unit: 3627

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For: "SYSTEM AND METHOD FO PROVIDING CUSTOMIZED SALES-RELATED
DATA OVER A NETWORK"

RESPONSE TO ELECTION OF SPECIES/RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed July 18, 2005, Applicant hereby traverses the restriction requirement, as well as the election of species requirement, and requests reconsideration and withdrawal of such requirements. Claims 1-52 are presently pending in the application.

A. THE RESTRICTION REQUIREMENT

Applicant maintains the traversal of the restriction requirement set forth in the Office Action mailed April 7, 2005. In the present Office Action, the Examiner asserts that Applicant requests evidence of how V is distinct from I, II, III; and further asserts that this is apparent. That is the Office Action explains that since V is shown distinct from IV and IV is shown distinct from III, and II is shown distinct from III and I is shown distinct from II, V is distinct from I, II, III. The Office Action further asserts that similarly IV is distinct from I and II because IV is shown distinct from III and III has been shown distinct from II and II has been shown distinct from I.

Application No.: 09/788,646
Attorney Docket No. 52493.000127

Applicant respectfully submits that such associative type analysis is flawed as supporting the pending restriction requirement. That is, illustratively, the conclusion that a Group A is distinct from Group B; and Group B is distinct from Group C; is not dispositive as to Group A being distinct from Group C. The Examiner is respectfully requested to clarify (or withdraw) the requirement.

B. THE ELECTION OF SPECIES

The Office Action asserts that on further review of the elected claims, namely, claims 1-35, the invention of group I, contains plural species. The Office Action asserts the application contains claims directed to the following patentably distinct species of the claimed invention:

The species of claims 1-3 22, 23, 24 drawn to a state tax determiner;

The species of claims 5, 6 drawn to a life style determiner;

The species of claims 8-10, 25, 26, 27 drawn to a sales related data determiner;

The species of claim 11 drawn to insurance quote determiner;

The species of claim 15, 31 drawn to a targeted message generator;

The species of claims 17, 18, 33, 34 drawn to visitor tracking table generator;

The species of claim 19, 32 drawn to received product selection to generate sales related data.

C. TRAVERSAL

Applicant respectfully traverses the restriction requirement for the reasons set forth above and in the prior May 9, 2005 Response. Further, in traversal of the election requirement, it is respectfully submitted that, due to the related subject matter of the claims, a complete and thorough search of the claims identified above as belonging to claims 1-3, 22, 23, 24 (in Group I) would involve a search of the areas relevant to all the claims in Group I.

Application No.: 09/788,646
Attorney Docket No. 52493.000127

Further, in short, it is submitted that the asserted distinctions between the claims do not support the election of species requirement. For example, the Office Action asserts that claim 5 is drawn to a life style determiner. However, Applicant submits that claim 5 recites "receiving lifestyle information," and is not directed to a lifestyle determiner, as asserted in the Office Action (and used to support the election).

Accordingly, Applicant submits that the burden on the Examiner does not warrant requiring Applicant to pay duplicative PTO fees and perform duplicative prosecution to obtain patent protection for the present invention.

Also, Applicant respectfully submits that the election requirement is improper. Specifically, the basis the election requirement is unclear. The Office Action asserts that the species of claims 1-3, 22, 23, 24 is drawn to a state tax determiner. However, claim 1 is simply not directed to such subject matter, as reflected by the features of claim 1. Clarification is requested.

D. ELECTION

In the event that the election requirement is not withdrawn, Applicant hereby provisionally elects the Group of claims 1-3, 22, 23, 24 (as proffered in the Office Action) with traverse.

Claim 1 is directed to a method of providing sales-related data. Applicant notes that claims 4, 7, 12-14, 16, 20, 21, 28-30 and 35 were not included in the groups set forth in the Office Action. Due to their related subject matter to claim 1, Applicant submits that such claims should also be examined in conjunction with the elected group.

Application No.: 09/788,646
Attorney Docket No. 52493.000127

E. CONCLUSION

Applicant believes that no fees are necessary in connection with the filing of this document. In the event any fees are necessary, please charge or credit any such fees, including fees for any extensions of time, to the undersigned's Deposit Account No. 50-0206.

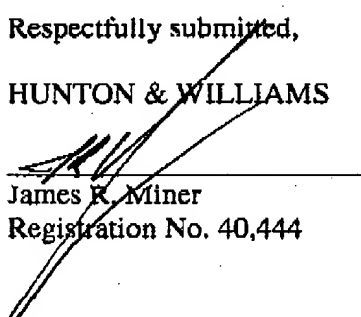
The Examiner is respectfully requested to call Applicant's undersigned representative at the telephone number below if any assistance might be provided to the Examiner in the examination of the application.

Respectfully submitted,

HUNTON & WILLIAMS

Date: August 18, 2005

By:


James R. Miner
Registration No. 40,444

Hunton & Williams LLP
Intellectual Property Department
1900 K Street, NW, Suite 1200
Washington, D.C. 20006-1109
(202) 955-1500 (Telephone)
(202) 778-2201 (Facsimile)